

AMENDED IN ASSEMBLY APRIL 5, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2755

Introduced by Assembly Member Blakeslee

February 24, 2006

An act to ~~amend Section 42001 of, and to add Section 38504.1 to,~~
add Sections 38504.1 and 38504.2 to the Vehicle Code, relating to
all-terrain vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2755, as amended, Blakeslee. All-terrain vehicles: operating violations.

(1) Existing law prohibits a person under 14 years of age from operating an all-terrain vehicle on public lands of this state unless that person satisfies specified safety conditions and, in addition, is accompanied by and under the direct supervision of a parent or guardian, or is accompanied by and under the direct supervision of an adult who is authorized by the parent or guardian to provide that supervision. Existing law makes a violation of the above an infraction punishable by a specified fine.

This bill would prohibit a parent or guardian of a child who is under 14 years of age and a person who is authorized by the parent or guardian to supervise that child, from granting permission to, or knowingly allowing, that child to operate an all-terrain vehicle in a manner that violates the above described prohibition, thereby imposing a state-mandated local program by creating a new crime. The bill would ~~impose fines upon convictions of these violations, but would allow~~ *require* a court, upon a first conviction, to order the person to take or retake and complete an all-terrain vehicle safety

training course rather than impose the fine, and would require the court to order the child to also attend and complete that course, as specified. The person or child who is so ordered would be required, upon completion of the course, to provide the court with a copy of the all-terrain vehicles safety certificate issued as a result of that completion. *The bill would impose fines upon a 2nd or subsequent conviction.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 38504.1 is added to the Vehicle Code,
2 to read:

3 38504.1. (a) Neither a parent or guardian of a child who is
4 under 14 years of age, nor a person who is authorized by the
5 parent or guardian to supervise that child shall grant permission
6 to, or knowingly allow, that child to operate an all-terrain vehicle
7 in a manner that violates Section 38504.

8 (b) A person convicted of a violation of subdivision (a) is
9 punishable as follows:

10 ~~(1) (A) For a first conviction, a fine of not more than one~~
11 ~~hundred twenty-five dollars (\$125).~~

12 ~~(B) In lieu of imposing the fine under subparagraph (A), a~~
13 ~~court may order a person described under this paragraph to take~~
14 ~~or retake and complete a safety training course pursuant to~~
15 ~~Section 38501. The person shall provide the court with a copy of~~
16 ~~the all-terrain vehicle safety certificate issued as a result of that~~
17 ~~completion.~~

18 *(1) For a first conviction, the court shall not impose a fine and*
19 *shall order the person to take or retake and complete an*
20 *all-terrain vehicle safety training course pursuant to Section*
21 *38501. The person shall provide the court a copy of the*

1 *all-terrain vehicles safety certificate issued as a result of that*
2 *completion.*

3 (2) For a second conviction, a fine of not less than one
4 hundred twenty-five dollars (\$125) nor more than two hundred
5 fifty dollars (\$250).

6 (3) For a third or any subsequent conviction, a fine of not less
7 than two hundred fifty dollars (\$250) nor more than five hundred
8 dollars (\$500).

9 [PU Added by Stats. 1987, Ch. 881, Sec. 37.]

10 SEC. 2. ~~Section 42001 of the Vehicle Code is amended to~~
11 ~~read:~~

12 ~~42001. (a) Except as provided in this code, a person~~
13 ~~convicted of an infraction for a violation of this code or of a local~~
14 ~~ordinance adopted pursuant to this code shall be punished as~~
15 ~~follows:~~

16 ~~(1) By a fine not exceeding one hundred dollars (\$100).~~

17 ~~(2) For a second infraction occurring within one year of a prior~~
18 ~~infraction that resulted in a conviction, a fine not exceeding two~~
19 ~~hundred dollars (\$200).~~

20 ~~(3) For a third or any subsequent infraction occurring within~~
21 ~~one year of two or more prior infractions that resulted in~~
22 ~~convictions, a fine not exceeding two hundred fifty dollars~~
23 ~~(\$250).~~

24 ~~(b) A person convicted of a misdemeanor violation of Section~~
25 ~~2800, 2801, or 2803, insofar as they affect failure to stop and~~
26 ~~submit to inspection of equipment or for an unsafe condition~~
27 ~~endangering any person, shall be punished as follows:~~

28 ~~(1) By a fine not exceeding fifty dollars (\$50) or imprisonment~~
29 ~~in the county jail not exceeding five days.~~

30 ~~(2) For a second conviction within a period of one year, a fine~~
31 ~~not exceeding one hundred dollars (\$100) or imprisonment in the~~
32 ~~county jail not exceeding 10 days, or both that fine and~~
33 ~~imprisonment.~~

34 ~~(3) For a third or any subsequent conviction within a period of~~
35 ~~one year, a fine not exceeding five hundred dollars (\$500) or~~
36 ~~imprisonment in the county jail not exceeding six months, or~~
37 ~~both that fine and imprisonment.~~

38 ~~(c) A pedestrian convicted of an infraction for a violation of~~
39 ~~this code or a local ordinance adopted pursuant to this code shall~~
40 ~~be punished by a fine not exceeding fifty dollars (\$50).~~

1 ~~(d) A person convicted of a violation of subdivision (a) or (b)~~
2 ~~of Section 27150.3 shall be punished by a fine of two hundred~~
3 ~~fifty dollars (\$250), and a person convicted of a violation of~~
4 ~~subdivision (c) of Section 27150.3 shall be punished by a fine of~~
5 ~~one thousand dollars (\$1,000).~~

6 ~~(e) Notwithstanding a other provision of law, a local public~~
7 ~~entity that employs peace officers, as designated under Chapter~~
8 ~~4.5 (commencing with Section 830) of Title 3 of Part 2 of the~~
9 ~~Penal Code, the California State University, and the University of~~
10 ~~California may, by ordinance or resolution, establish a schedule~~
11 ~~of fines applicable to infractions committed by bicyclists within~~
12 ~~its jurisdiction. A fine, including all penalty assessments and~~
13 ~~court costs, established pursuant to this subdivision shall not~~
14 ~~exceed the maximum fine, including penalty assessment and~~
15 ~~court costs, otherwise authorized by this code for that violation.~~
16 ~~If a bicycle fine schedule is adopted, it shall be used by the courts~~
17 ~~having jurisdiction over the area within which the ordinance or~~
18 ~~resolution is applicable instead of the fines, including penalty~~
19 ~~assessments and court costs, otherwise applicable under this~~
20 ~~code.~~

21 *SEC. 2. Section 38504.2 is added to the Vehicle Code, to*
22 *read:*

23 *38504.2. If a person under 14 years of age was not properly*
24 *supervised or accompanied in accordance with Section 38504,*
25 *and the parent or guardian of that child or the adult who was*
26 *authorized by the parent or guardian to supervise or accompany*
27 *that child is in violation of Section 38504.1, upon a conviction*
28 *pursuant to section 38504, the court shall order that child to*
29 *attend and complete the all-terrain vehicle safety training course*
30 *accompanied by the person who violated Section 38504.1. The*
31 *child under 14 years of age shall provide the court a copy of the*
32 *all-terrain vehicles safety certificate issued as a result of that*
33 *completion.*

34 *SEC. 3. No reimbursement is required by this act pursuant to*
35 *Section 6 of Article XIII B of the California Constitution because*
36 *the only costs that may be incurred by a local agency or school*
37 *district will be incurred because this act creates a new crime or*
38 *infraction, eliminates a crime or infraction, or changes the*
39 *penalty for a crime or infraction, within the meaning of Section*
40 *17556 of the Government Code, or changes the definition of a*

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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